

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DWAYNE HARRIS,)	
)	
Plaintiff,)	
v.)	No. 4:24-cv-00538-SEP
)	
C.O. UNKNOWN HARRIS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court are Plaintiff's undated note received April 18, 2025, Doc. [26], and Motion to Withdraw, Doc. [27]. The Court construes the filings as motions to stop the collection of the appellate filing fee. Federal Rule of Appellate Procedure 3(e) states that "[u]pon filing a notice of appeal, the appellant must pay the district clerk all required fees." *See also Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997) ("[T]he assessment of appellate filing fees occurs upon the filing of a notice of appeal . . ."); Doc. [10] at 1 (letter to Plaintiff from Clerk of Court explaining that to file an appeal Plaintiff must file a notice of appeal and either pay the full filing fee or file a motion to pay the filing fee in installments). That is, once Plaintiff filed his notice of appeal, the \$605 appellate filing fee was mandatory and due to be paid to the district court. Because the Rules of Appellate Procedure require the mandatory payment of the appellate filing fee, the Court denies Plaintiff's motions to stop the collection of the appellate filing fee.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's undated note received April 18, 2025, Doc. [26], and Motion to Withdraw, Doc. [27], which the Court construes as motions to stop the collection of the appellate filing fee, are **DENIED**.

Dated this 22nd day of May, 2025.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE